IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO : 22949 of 2004

Between:

M. Satyanarayana Chetty, S/o. Ramachandra Chetty Telephone Quarters Vayalapad, Rep. by G.P.A. Holder Sri B. Ravi Kumar Reddy, S/o. Narasimha Reddy, Aged about 48 Years,
R/o. Kotagudibanda (V), Kalakonda Mandal, Chittoor District.

..... PETITIONER

AND

1 The District Collector, Chittoor.
2 The Joint Collector cum Settlement Officer, Chittoor, Chittoor District.
3 Mandal Revenue Officer, Tirupathi, Urban Mandal, Chittoor District.

.....RESPONDENTS

Counsel for the Petitioner: MR.S.SRINIVAS REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

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ORAL ORDER:

Questioning the action of the respondents in not implementing the orders of the Additional Assistant Settlement Officer of Nellor, dated 30-04-1996, granting patta to him in respect of Ac.8.00 in S.No. 119/1 and Ac.3.00 in S.No. 118/1 of Mangalam village, petitioner filed this writ petition.

2. The case of the petitioner, in brief, is that Nelluri Krishna Reddy, Gudimallam Subbaramaiah and T.Elumalai Reddy were granted pattas in respect of Ac.8.00 cents,
Ac.1-50 cents and Ac.1-50 cents in S.No.119/1 of Mangalam Village in Chandragiri Taluq in Chittor District by the Additional Settlement Officer, Nellor under the provisions of the A.P. (Andhra Area) Estates (Land Abolition) Act, 1948 (for short 'the Act') and that after the death of the Krishna Reddy, he purchased Ac.8.00 in S.No. 119/1 from the wife of said Krishna Reddy and Ac.1.50 cents each in S.No. 118/1 from the aforesaid grantees under different registered sale deeds, and thereafter he came to know that his vendors filed W.P. Nos. 3508 of 1987 and 3506 of 1987 seeking implementation of the orders of the Additional Assistant Settlement Officer, Nellore and that those two writ petitions were disposed of on 03-11-1989 by a common order directing the Mandal Revenue Officer Tirupathi (urban) who is the sole respondent in those petitions to dispose of the application filed by the writ petitioners within a period of three months from the date of that order and that in spite of those orders and his several requests, respondents are not implementing the said order of grant and alienation by the grantees in the revenue records.

3. The case of the respondents, in brief, is that the land in Sy. No. 118/1 and 119/1 is government poramboke land being canal poramboke and that the pattas relied on by the petitioner are bogus pattas, and as the land claimed by the petitioner is a poramboke land, question of issuance of patta to the predecessors in title of the petitioners does not arise, and that in fact, the vendors of the petitioner were informed that in obedience to the directions given by the Court in the writ petitions filed by them their applications were considered and rejected inasmuch as the pattas relied on by them are found to be bogus pattas, and so implementation of bogus pattas does not arise.

4. Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue at length. The learned Assistant Government Pleader produced the relevant record before me for my perusal.

5. The main contention of the learned counsel for the petitioner is that prior to the filing of this petition, petitioner applied for certified copies of certain documents including copies of the letters written by the Additional Assistant Settlement Officer to the Mandal Revenue Officer dated 06-02-1987 in L. Dis No. 112/87 and 113/87 and that petitioner was furnished with copies of those letters and a perusal of those two letters clearly establishes that order of the settlement officer were already implemented in the office of the Settlement Officer, and though petitioners specifically made a mention of this fact in the affidavit filed in support of this petition since respondents failed to deny that fact in the counter affidavit filed on their behalf, it should be deemed that the respondents admit the existence of the said letters in L. Dis No. 112/87 and 113/87 and so the contention of the respondents that the pattas are bogus is not and cannot be true, and since the registers now being relied on by the petitioners may not be the original register, they need not be relied on and in view of the letters of the settlement officer, a direction may be given to the respondents to implement the order of the Settlement Officer. Relying on **K. Harinath Reddy and others Vs. Inams Deputy Tahsildar, Chittoor and others** the learned counsel contended that when ryotwary patta is issued, respondent cannot refuse implementation on the ground that the land is a government land or a poramboke.

6. The contention of the learned Assistant Government Pleader for Revenue is,

since verification of the revenue records reveals that the land in Sy. Nos. 118/1 and 119/1 is a kalva poramboke and since all poramboke lands vest in the Government, question of issuance of pattas in respect of poramboke by the Settlement Officer under the provisions of the Act does not arise, and in any event since the petitions of the vendors of the petitioner for implementation were rejected, the remedy of the petitioner, if any, is to proceed against their vendors.

7. From the documents produced by the Assistant Government Pleader it is seen that the vendors of the petitioner, who obtained orders in WP No. 3508 of 1987 and 3506 of 1987, when were issued notices to appear before the Mandal Revenue Officer with the original documents for verification, failed to appear before him and have also not produced the original documents for verification, the Joint Collector-cum-Settlement Officer, Chittor, vide D. Dis No. SDT/368/92 dated 27-01-1992 informed the Mandal Revenue Officer, Tirupathi, that the orders of the Additional Assistant Settlement Officer, Nellore said to have been passed in S.R. No. 118/11(a)/62/CTR dated 30-04-1966 appear to be bogus, the same cannot be implemented. The record produced by the learned Assistant Government Pleader shows the land being claimed by the petitioner is a poramboke land.

8. Since there is prima facie documentary evidence to show that the land being claimed by the petitioner is a poramboke land and since the petitioner did not produce the original pattas and is simply relying on statements in inter departmental communication, and since the respondents contended that the pattas being relied on by the petitioner are bogus, and since this Court in exercise of its jurisdiction under Article 226 of the Constitution of India, cannot go into the question of genuineness or otherwise of the pattas said to have been granted in favour of the vendors of the petitioner, petitioners have to first establish the genuineness of the pattas said to have been issued in favour of their vendors i.e. Nelluri Krishna Reddy, Gudimallam Subbaramayya and T.Elumalai Reddy, and then only can move this court, only if the respondent failed to act even after their establishing the genuineness of those pattas, their names are not mutated in the relevant records.

9. In the facts and circumstances of the case, the ratio in K.Harinath Reddy case, relied on by the learned counsel for the petitioner, does not come to their

rescue.

10. Therefore, with a direction to the petitioner to establish the genuineness of the pattas before the competent authority, the writ petition is disposed of. No order as to costs.

C.Y.SOMAYAJULU, J.

20-12-2005

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